



राजपत्र, हिमाचल प्रदेश (असाधारण)

हिमाचल प्रदेश राज्यशासन द्वारा प्रकाशित

13 मला, सोनवार, 19 अप्रैल, 1971/29 जेठ, 1893

GOVERNMENT OF HIMACHAL PRADESH

VIDHAN SABHA SECRETARIAT NOTIFICATION

Simla-1, the 12th April, 1971

No. 1-17/71-V.S.—In pursuance of Rule 135 of the Rules of Procedure and Conduct of Business of the Himachal Pradesh Legislative Assembly, the following Bills introduced in the Legislative Assembly on the 12th April, 1971 are hereby published in the Himachal Pradesh Government Gazette:—

1. The Himachal Pradesh Contingency Fund Bill, 1971 (Bill No. 2 of 1971).
2. The Salaries and Allowances of Ministers (Himachal Pradesh) Bill, 1971 (Bill No. 3 of 1971).
3. The Himachal Pradesh Legislative Assembly Speaker's and Deputy Speaker's Salaries Bill, 1971 (Bill No. 4 of 1971).
4. The Salaries and Allowances of Deputy Ministers (Himachal Pradesh) Bill, 1971 (Bill No. 5 of 1971).
5. The Himachal Pradesh Legislative Assembly (Allowances of Members) Bill, 1971 (Bill No. 6 of 1971).
6. The Himachal Pradesh State Legislature Officers, Ministers and Members (Medical Facilities) Bill, 1971 (Bill No. 7 of 1971).
7. The Himachal Pradesh Legislative Assembly Members (Removal of Disqualifications) Bill, 1971 (Bill No. 8 of 1971).

R. C. SHARMA,
Under Secretary.

THE HIMACHAL PRADESH CONTINGENCY FUND BILL, 1971

(AS INTRODUCED IN THE LEGISLATIVE ASSEMBLY)

A
BILL

to provide for the establishment and maintenance of a Contingency Fund in the State of Himachal Pradesh.

Enacted by the Legislative Assembly of Himachal Pradesh in the Twenty-Second Year of the Republic of India as follows:—

Short title
and commence-
ment.

1. (1) This Act may be called the Himachal Pradesh Contingency Fund Act, 1971.

(2) It extends to the whole of the State of Himachal Pradesh.

(3) It shall come into force at once.

Interpreta-
tion.

2. In this Act, "the Fund" means the Himachal Pradesh Contingency Fund established under section 3.

Establish-
ment of
Himachal
Pradesh
Contingency
Fund

3. On the commencement of this Act, the State Government shall establish in and for the State of Himachal Pradesh a Fund called the Himachal Pradesh Contingency Fund in the nature of an Imprest Account.

Constitution
of the Fund

4. The State Government will, on the commencement of this Act, appropriate a sum of fifty lakhs of rupees out of the Consolidated Fund of the State and place it to the credit of the Fund.

Purpose for
which Fund
may be
utilised.

5. The Fund shall be placed at the disposal of the Governor of Himachal Pradesh, who shall not expend it except for the purposes of making advances from time to time for meeting unforeseen expenditure of the State pending authorisation of such expenditure by the Legislature of the State under appropriations made by Law; and immediately after the coming into operation of such law, an amount equal to the amount or amounts advanced by the Governor for the purposes aforesaid shall be deemed to have been placed to the credit of the Fund and the amount so transferred or deemed to have been transferred shall for all purposes form part of the Fund.

Power to
make Rules

6. The State Government may by notification make rules to carry out all or any of the purposes of the Act.

F 13 of 1950

5 of 1966

1 of 1964

7. The Punjab Contingency Fund Act, 1950 as applicable to the territories added to Himachal Pradesh under section 5 of the Punjab Re-organisation Act, 1966 and the Himachal Pradesh Contingency Fund (Determination of Amount) Act, 1964; are hereby repealed.

STATEMENT OF OBJECTS AND REASONS

On the establishment of new State of Himachal Pradesh, it is expedient to provide for the establishment and maintenance in the State of Himachal Pradesh of a Contingency Fund to be placed at the disposal of the Governor, to enable him to make advance out of the Fund for the purposes of meeting unforeseen expenditure of the State pending authorisation of such expenditure by the Legislature of the State by law under Article 205 or Article 206 of the Constitution.

The Legislature of the State, by clause (2) of Article 267 of the Constitution of India, has been empowered by law to establish such Fund.

SIMLA:
The 12th April, 1971.

KARAM SINGH,
Finance Minister.

GOVERNOR'S RECOMMENDATION UNDER ARTICLE 207 (1) OF THE CONSTITUTION OF INDIA

The Governor having been informed of the subject matter of the Bill to provide for the establishment and maintenance of a Contingency Fund in the State of Himachal Pradesh, recommends the introduction of the Bill in Legislative Assembly of Himachal Pradesh under Article 207 (1) of the Constitution and the consideration of the Bill in the Legislative Assembly of Himachal Pradesh under Article 267 (2) of the Constitution of India.

THE SALARIES AND ALLOWANCES OF MINISTERS (HIMACHAL PRADESH) BILL, 1971

(AS INTRODUCED IN THE LEGISLATIVE ASSEMBLY)

A BILL

to provide for the salaries and allowances of Ministers in the State of Himachal Pradesh.

Be it enacted by the Legislative Assembly of Himachal Pradesh in the Twenty-second Year of the Republic of India as follows:—

1. (1) This Act may be called the Salaries and Allowances of Ministers (Himachal Pradesh) Act, 1971.

(2) It shall be deemed to have come into force with effect from the 25th January, 1971, except section 6, which shall be deemed to have come into force on the 20th December, 1963.

2. In this Act, unless there is anything repugnant in the subject or context,—

- (a) "House" includes the staff quarters and other buildings appurtenant thereto, and the gardens thereof.
- (b) "Maintenance" in relation to a house shall include the payment of local rates and taxes, and charges for electricity and water.
- (c) "Minister" means a Member of the Council of Ministers, by whatever name called.

3. There shall be paid to each Minister a salary at the rate of fifteen hundred rupees per mensem, and to the Chief Minister, in addition, a sumptuary allowance at the rate of five hundred rupees per mensem.

4. Each Minister shall be provided with a free furnished house, the maintenance charges of which shall be borne by the State Government; or in lieu of such house, shall be paid an allowance not exceeding three hundred rupees per mensem, as the Government may in each case fix. The State Government may also allow him to continue in free occupation of the house provided to him for a period not exceeding fifteen days from the date of his ceasing to be a Minister.

Explanation.—The Minister shall not become liable personally for any payment in case the standard rent of the house allotted to him for residence exceeds three hundred rupees per mensem.

5. (1) Each Minister shall be entitled to the use of a car the expenses on the maintenance and propulsion of which shall be borne by the State Government or in lieu thereof to a conveyance allowance of three hundred rupees per month:

Provided that the maintenance and propulsion expenses of the State car in use by the Minister shall not be subject to the limit of three hundred rupees per mensem.

(2) A Minister may opt for the services of a chauffeur on Government expense in lieu of conveyance allowance provided in sub-section (1) if he uses his own motor-car.

Validation
of the use
of Govern-
ment motor-
car by a
Minister.

Advances
of loan to
Ministers
for pur-
chase of
motor-car
Free instal-
lation of
telephone

6. A Minister who has not drawn conveyance allowance admissible to him under the Salaries and Allowances of Ministers (Himachal Pradesh) Act, 1963, after the 20th December, 1963 and has used the Government motor-car, shall be deemed to have used such motor-car as if the costs of maintenance and propulsion of which have been met by the Government.

7. There may be paid to each Minister by way of repayable advance such sum of money, and subject to such conditions, as may be determined by rules made in this behalf, for the purchase of a motor-car, in order that he may be able to discharge conveniently and efficiently the duties of his office.

8. (1) Each Minister shall be entitled to have a telephone installed at any place within his constituency or at his permanent place of residence, if such facility is available at such place at normal rates and without incurring any additional cost, as may be specified by him, and after the place of installation is so specified, the charges for first installation of, security deposit and annual rent for, such telephone shall be borne by the State Government and all other expenses such as those relating to local and outside calls shall be paid by the Minister;

Provided that the expenditure on local and outside calls incurred by a Minister in any month shall be reimbursed by the Government subject to a maximum of fifty rupees.

(2) All expenses which are payable by a Minister in relation to the telephone installed under sub-section (1) shall be paid by him directly in cash and if it is not so done, the same may be adjusted by the State Government against any amount due to him from the State Government.

9. No person in receipt of a salary or allowance under this Act shall be entitled to receive any sum out of funds provided by the Legislative Assembly of Himachal Pradesh by way of salary or allowance in respect of his membership of such Assembly.

10. The date on which any person became or ceased to be a Minister shall be published in the Official Gazette of the Himachal Pradesh Government and any such notification shall be conclusive evidence of the fact that he became, or ceased to be a Minister on that date for all the purposes of this Act.

11. The travelling and daily allowances of the Ministers, shall be regulated in accordance with such rules as may be framed or adopted by the State Government from time to time:

Provided that no mileage or travelling allowance shall be chargeable in respect of journeys performed in a State car.

12. (1) The Salaries and Allowances of Ministers (Himachal Pradesh) Act, 1963 and the Salaries and Allowances of Ministers (Himachal Pradesh) Ordinance, 1971 are hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken or purporting to have been done or taken (including any rules, notifications or orders made or issued) in exercise of any power conferred by or under the said Act and Ordinance shall be deemed to have been done or taken under this Act.

Ministers
not to draw
salary or
allowance
as Members
of the
Legislative
Assembly
Notification
regarding
appoint-
ment, etc.
of Ministers
to be con-
clusive evi-
dence here-
of

Power to
make or
adopt rules

Repeal and
revival

STATEMENT OF OBJECTS AND REASONS

The Salaries and Allowances of Ministers (Himachal Pradesh) Act, 1963, provided for the salaries and allowances of Ministers of Himachal Pradesh. This enactment became infructuous on the attainment of Statehood on 25-1-1971. The incumbents to whom this Act related lost their status and they had either been appointed or deemed appointed under the Constitution on the basis of the provisions contained in the State of Himachal Pradesh Act, 1970. Therefore, in order to entitle them to receive salaries etc., it was necessary to enact a new law on the subject. The Legislative Assembly was not in session and circumstances existed which rendered it necessary for the Governor to take immediate action by promulgating an Ordinance under Article 213 of the Constitution. Accordingly, the Salaries and Allowances of Ministers (Himachal Pradesh) Ordinance, 1971, was promulgated on 25-1-1971.

Keeping in view the tremendous rise in the cost of living and the multifarious duties which the Ministers have to perform towards the public, it has been decided to increase the salary of a Minister and to bring the salaries and allowances of the Ministers at par with those of the neighbouring States. This Bill seeks to replace the said Ordinance and achieve the aforesaid object.

SIMLA:
The 12th April, 1971.

Y. S. PARMAR,
Chief Minister

FINANCIAL MEMORANDUM

Clauses 3 and 5 of the Bill, provide increase in the Salaries and Allowances of the Ministers. Clause 8 provides for free installation of telephones in the constituencies or at the permanent place of residences of the Ministers. These charges may involve an extra expenditure approximately to the tune of Rs. 79,200 (Rs. 61,550 recurring per annum and Rs. 17,650 non-recurring) from the Consolidated Fund of Himachal Pradesh voted.

Clause 7 provides for the grant of repayable loan for the purchase of motor-car to the Ministers. Clause 4 provides for the free furnished house at Simla, maintained at the Government expense, for each Minister. The limits of such expenditure is to be fixed by the Government. As to how much expenditure is likely to be incurred on this account cannot be exactly anticipated.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 7 of the Bill empowers the Government to make rules with regard to the payment of repayable advance for the purchase of motor-car and the conditions to be prescribed therefor. Clause 11 of the Bill empowers the State Government to make rules, with regard to the extent and the manner of payment of travelling and daily allowances. The proposed delegation is normal in character.

RECOMMENDATIONS OF THE GOVERNOR UNDER ARTICLE 207 OF THE CONSTITUTION

[General Administration (C) Department file No. 2-6/71-GA.-C]

The Governor having been informed of the subject matter of the Salaries and Allowances of Ministers (Himachal Pradesh) Bill, 1971, recommends under Article 207 of the Constitution, the introduction of the Bill in the Legislative Assembly.

Bill No. 4 of 1971

**THE HIMACHAL PRADESH LEGISLATIVE ASSEMBLY SPEAKER'S
AND DEPUTY SPEAKER'S SALARIES BILL, 1971**

(AS INTRODUCED IN THE LEGISLATIVE ASSEMBLY)

BILL

to provide for the salaries and allowances of the Speaker and the Deputy Speaker of the Legislative Assembly of the Himachal Pradesh.

Enacted by the Legislative Assembly of Himachal Pradesh in the Twenty-second Year of the Republic of India as follows:—

1. (1) This Act may be called the Himachal Pradesh Legislative Assembly Speaker's and Deputy Speaker's Salaries Act, 1971.

(2) It shall be deemed to have come into force with effect from 25th January, 1971 but section 5 shall be deemed to have come into force on the 18th day of February, 1970.

2. In this Act unless the context otherwise requires,—

(a) "House" includes the staff quarters and other buildings appurtenant thereto, and the gardens thereof.

(b) "Maintenance" in relation to a house shall include the payment of local rates and taxes, and charges for electricity and water.

3. There shall be paid to the Speaker of the Himachal Pradesh Legislative Assembly a salary at the rate of fifteen hundred rupees per mensem and there shall in addition be provided by the State Government a free furnished house at Simla for him the maintenance charges of which shall be borne by the State Government. The State Government may also allow him to continue in free occupation of the house for a period not exceeding fifteen days from the date of his ceasing to be the Speaker.

4. There shall be paid to the Deputy Speaker of the Himachal Pradesh Legislative Assembly a salary at the rate of eight hundred rupees per mensem and there shall in addition be provided by the State Government a free furnished house at Simla for him the maintenance charges of which shall be borne by the State Government or in lieu thereof he shall be paid such allowance not exceeding one hundred and fifty rupees per mensem as the State Government may fix. The State Government may also allow him to continue in free occupation of the house for a period not exceeding fifteen days from the date of his ceasing to be the Deputy Speaker.

Explanation.—The Deputy Speaker shall not become liable personally for any payment in case the standard rent of the house allotted to him for residence exceeds one hundred and fifty rupees per mensem.

5. There shall be paid to the Deputy Speaker a salary at the rate of seven hundred rupees per mensem from the 18th day of February, 1970 to 24th day of January, 1971 and he shall be entitled to draw the arrears at the rate of two hundred rupees per mensem after deducting the salary of five hundred rupees per mensem already drawn by him under the Salaries and Allowances of the Speaker and the Deputy Speaker of the Legislative Assembly (Himachal Pradesh) Act, 1963.

Conveyance
Allowance.

6. (1) Speaker and Deputy Speaker shall each be entitled to the use of a car the expenses on the maintenance and propulsion of which shall be borne by the State Government, or in lieu thereof to a conveyance allowance of three hundred rupees per mensem:

Provided that the maintenance and propulsion expenses of the State car in use by the Speaker or Deputy Speaker shall not be subject to the limit of three hundred rupees.

(2) Speaker or Deputy Speaker may opt for the services of a chauffeur on Government expense in lieu of conveyance allowance provided in sub-section (1) if he uses his own motor-car.

Advance of
loan to the
Speaker
and the
Deputy
Speaker.

7. There may be paid to the Speaker or the Deputy Speaker by way of repayable advance such sum of money, and subject to such conditions as may be determined by rules made in this behalf by the State Government, for the purchase of motor-car, in order that he may be able to discharge conveniently and efficiently the duties of his office.

Free installation
of the tele-
phone

8. (1) The Speaker and the Deputy Speaker shall each be entitled to have a telephone installed at any place within his constituency or at his permanent place of residence, if such facility is available at such place at normal rates and without incurring any additional cost, as may be specified by him and after the place of installation is so specified, the charges of first installation of, security deposit and annual rent for, such telephone shall be borne by the State Government and all other expenses such as those relating to local and outside calls shall be paid by the Speaker or the Deputy Speaker, as the case may be:

Provided that the expenditure on local and outside calls incurred by the Speaker or the Deputy Speaker, as the case may be, in any month shall be re-imbursed by the Government subject to a maximum of fifty rupees.

(2) All expenses which are payable by the Speaker or the Deputy Speaker in relation to the telephone installed under sub-section (1) shall be paid by the Speaker or the Deputy Speaker, as the case may be, directly in cash and if it is not so done, the same may be adjusted by the State Government against any amount due to the Speaker or the Deputy Speaker, as the case may be, from the State Government.

Speaker not
to practice
any pro-
fession.

9. The Speaker shall not practice any profession or engage in any trade or receive any money for employment other than his duties as Speaker.

Travelling
Allowance

10. The travelling and daily allowances of the Speaker and the Deputy Speaker shall be regulated in accordance with such rules as may be framed or adopted by the State Government from time to time:

Provided that no mileage or travelling allowance shall be chargeable in respect of journey performed in a State car.

Speaker
and Deputy
Speaker not
to draw any
salary as
members
of the
Assembly.

11. The Speaker and the Deputy Speaker shall not be entitled to receive any sum out of funds provided by the Assembly by way of salary or allowances in respect of their membership of such Assembly.

12. The date on which any person became or ceased to be a Speaker or Deputy Speaker shall be published in the Official Gazette of the State of Himachal Pradesh and any such notification shall be conclusive evidence of the fact that he became or ceased to be the Speaker or the Deputy Speaker on that date for all the purposes of this Act.

13. (1) The State Government may, by notification in the Official Gazette of the State of Himachal Pradesh, make rules for carrying out the purposes of this Act.

(2) All rules made under this Act shall be laid before the Legislative Assembly as soon as may be after they are made.

3 of 1963

2 of 1971

14. (1) The Salaries and Allowances of the Speaker and the Deputy Speaker of the Legislative Assembly (Himachal Pradesh) Act, 1963 and the Salaries and Allowances of the Speaker and the Deputy Speaker of the Legislative Assembly (Himachal Pradesh) Ordinance, 1971, are hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken or purporting to have been done or taken (including any rules, notifications or orders made or issued) in exercise of any power conferred by or under the said Act or Ordinance shall be deemed to have been done or taken under this Act.

STATEMENT OF OBJECTS AND REASONS

The Salaries and Allowances of the Speaker and the Deputy Speaker of the Legislative Assembly (Himachal Pradesh) Act, 1963, provided for the salaries and allowances of the Speaker and the Deputy Speaker. This enactment became infructuous on the attainment of Statehood on the 25th January, 1971. The incumbents to whom this Act related were appointed or deemed appointed under the Constitution on the basis of the provisions contained in the State of Himachal Pradesh Act, 1970. Therefore, in order to enable them to receive salaries etc. it was necessary ~~to enact a new law on the subject~~. The Legislative Assembly was not in session and the circumstances existed which rendered it necessary for the Governor to take immediate action by promulgating Ordinance under Article 213 of the Constitution. Accordingly, the Salaries and Allowances of the Speaker and the Deputy Speaker of the Legislative Assembly (Himachal Pradesh) Ordinance, 1971 was promulgated on the 25th January, 1971.

Keeping in view the tremendous rise in the cost of living and the duties which the Speaker and the Deputy Speaker have to perform, it has been decided to increase the salary of the Speaker and the Deputy Speaker and to bring the salaries and allowances at par with those of the neighbouring States. This Bill seeks to replace the said Ordinance and achieve the aforesaid object.

SIMLA:
The 12th April, 1971.

Y. S. PARMAR,
Chief Minister.

FINANCIAL MEMORANDUM

Clauses 3, 4, 5 and 6 of the Bill provide increase in the salaries and allowances of the Speaker and the Deputy Speaker. Clause 8 provides for free installation of telephones in the constituencies or at the permanent place of residence of the Speaker and the Deputy Speaker. These Charges may involve an extra expenditure approximately to the tune of Rs. 21,800 (Rs. 14,400 recurring per annum and Rs. 7,400 non-recurring) from the Consolidated Fund of the Himachal Pradesh.

Clause 7 provides for the grant of repayable loan for the purchase of motor car, to the Speaker and the Deputy Speaker. Clauses 3 & 4 provide for his free furnished house at Simla, maintained at the Government expense for the Speaker and the Deputy Speaker, the limit of such expenditure is to be fixed by the Government. As to how much expenditure is likely to be incurred on this account cannot be exactly anticipated.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 13 of the Bill empowers the State Government to make rules for carrying out the purposes of the Act. The matters in respect of which such rules may be made relate *inter alia* to the extent and manner of the payment of travelling and daily allowances and the sums to be paid as repayable advance for the purchase of motor cars and conditions to be prescribed. The proposed delegation is normal in character.

RECOMMENDATIONS OF THE GOVERNOR UNDER ARTICLE 207 OF THE CONSTITUTION

[General Administration (C) Department file No. 2-2/71-GA-C]

The Governor having been informed of the subject matter of the Himachal Pradesh Legislative Assembly Speaker's and Deputy Speaker's Salaries Bill, 1971, recommends under Article 207 of the Constitution, the introduction of the Bill in the Legislative Assembly.

Bill No. 5 of 1971

THE SALARIES AND ALLOWANCES OF DEPUTY MINISTERS
(HIMACHAL PRADESH) BILL, 1971

(AS INTRODUCED IN THE LEGISLATIVE ASSEMBLY)

BILL

to provide for the salaries and allowances of Deputy Ministers in the State of Himachal Pradesh.

It is enacted by the Legislative Assembly of the State of Himachal Pradesh in the Twenty-second Year of the Republic of India as follows:—

Short title
and com-
mencement

1. (1) This Act may be called the Salaries and Allowances of Deputy Ministers (Himachal Pradesh) Act, 1971.

(2) It shall be deemed to have come into force with effect from the 25th January, 1971, but section 4 shall be deemed to have come into force on the 18th day of February, 1970 and section 7 shall be deemed to have come into force on the 18th day of March, 1967.

Definitions

2. In this Act unless the context otherwise requires,—

(a) "House" includes the staff quarters and other buildings appurtenant thereto and the gardens thereof.

(b) "Maintenance" in relation to a house shall include the payment of local rates and taxes and charges for electricity and water.

Salaries of
Deputy
Ministers

3. There shall be paid to each Deputy Minister a salary at the rate of eight hundred rupees per mensem, exclusive of income-tax.

Salaries of
Deputy
Ministers
from the 18th
day of Feb-
ruary, 1970
to 24th day
of January,
1971.

4. There shall be paid to each Deputy Minister a salary at the rate of seven hundred rupees per mensem from the 18th day of February, 1970 to 24th day of January, 1971 and they shall be entitled to draw the arrears at the rate of two hundred rupees per mensem after deducting the salary of five hundred rupees per mensem already drawn by them under the Salaries and Allowances of Ministers (Himachal Pradesh) Act, 1963.

2 of 1

Residence
of Deputy
Ministers

5. Each Deputy Minister shall be entitled (free of income-tax) throughout his term of office and for a period of fifteen days immediately thereafter to the use of a house for residence furnished and maintained by the State Government or in lieu thereof he shall be paid such allowance not exceeding one hundred and fifty rupees per mensem as the State Government may fix.

Explanation—The Deputy Minister shall not become liable personally for the payment in case the standard rent of the house allotted to him for residence exceeds one hundred and fifty rupees per mensem.

Conveyance
Allowance.

6. (1) Each Deputy Minister shall be entitled to the use of a car the expenses on the maintenance and propulsion of which shall be borne by the State Government, or in lieu thereof to a conveyance allowance of three hundred rupees per mensem:

Provided that the maintenance and propulsion expenses of the State car in use by the Deputy Minister shall not be subject to the limit of three hundred rupees.

(2) A Deputy Minister may opt for the services of a chauffeur on Government expense in lieu of conveyance allowance provided in sub-section (1) if

he uses his own motor-car.

7. A Deputy Minister who has not drawn conveyance allowance admissible to him under the Salaries and Allowances of Ministers (Himachal Pradesh) Act, 1963, after the 18th March, 1967 and had used the Government motor-car, shall be deemed to have used such motor-car as if the costs of maintenance and propulsion of which have been met by the Government.

8. There may be paid to each Deputy Minister by way of repayable advance such sum of money, and subject to such conditions, as may be determined by rules made in this behalf, for the purchase of a motor-car, in order that he may be able to discharge conveniently and efficiently the duties of his office.

9. (1)—Each Deputy Minister shall be entitled to have a telephone installed at any place within his constituency or at his permanent place of residence, if such facility is available at such place at normal rates and without incurring an additional cost as may be specified by him, and after the place of installation has been so specified, the charges for first installation of security deposit and annual rent for, such telephone shall be borne by the State Government and all other expenses such as those relating to local and outside calls shall be paid by the Deputy Minister:

Provided that the expenditure on local and outside calls incurred by a Deputy Minister in any month shall be reimbursed by the Government subject to a maximum of fifty rupees.

(2) All expenses which are payable by a Deputy Minister in relation to the telephone installed under sub-section (1) shall be paid by him directly in cash and if it is not so done, the same may be adjusted by the State Government against any amount due to him from the State Government.

10. No person in receipt of a salary or allowance under this Act shall be entitled to receive any sum out of funds provided by the State Legislature by way of salary or allowance in respect of his membership of State Legislature.

11. The date on which any person became or ceased to be a Deputy Minister shall be published in the Official Gazette of the State of Himachal Pradesh, and any such notification shall be conclusive evidence of the fact that he became, or ceased to be, a Deputy Minister on that date for all the purposes of this Act.

12. The travelling and daily allowances of the Deputy Minister shall be regulated in accordance with such rules as may be framed or adopted by the State Government from time to time:

Provided that no mileage or traveling allowance shall be chargeable in respect of journey performed in a State car.

13. Any appointment, notification, order, rule, made or issued under the Salaries and Allowances of Ministers (Himachal Pradesh) Act, 1963 or the Salaries and Allowances of Ministers (Himachal Pradesh) Ordinance 1971, shall, so far as it is not inconsistent with the provisions of this Act continue in force, and be deemed to have been made or issued under it

provisions of this Act, unless and until it is superseded by any appointment, notification, order or rule made or issued under the provisions of this Act.

STATEMENT OF OBJECTS AND REASONS

The Salaries and Allowances of Ministers (Himachal Pradesh) Act, 1963, provided for the salaries and allowances of Deputy Ministers of Himachal Pradesh. This enactment became infructuous on the attainment of Statehood on 25th January, 1971. The incumbents to whom this Act related lost their status and they had either been appointed or deemed appointed under the Constitution on the basis of the provisions contained in the State of Himachal Pradesh Act, 1970. Therefore, in order to entitle them to receive salaries etc. it was necessary to enact a new law on the subject. The Legislative Assembly was not in session and circumstances existed which rendered it necessary for the Governor to take immediate action by promulgating an Ordinance under Article 213 of the Constitution. Accordingly, the Salaries and Allowances of Ministers (Himachal Pradesh) Ordinance, 1971, was promulgated on the 25th January, 1971.

Keeping in view the tremendous rise in the cost of living and the multifarious duties which the Deputy Ministers have to perform towards the public, it has been decided to increase the salary of a Deputy Minister and to bring the salaries and allowances of the Deputy Ministers at par with those of the neighbouring States. This Bill seeks to replace the said Ordinance and achieve the aforesaid object.

SIXLA:
The 12th April, 1971

Y. S. PARMAR,
Chief Minister

FINANCIAL MEMORANDUM

Clauses 3, 4 & 6 of the Bill provide increase in the salaries and allowances of the Deputy Ministers. Clause 9 provides for free installation of telephones in the constituencies or at the permanent place of residences of the Deputy Ministers. These charges may involve an extra expenditure approximately to the tune of Rs. 44,500 (Rs. 23,500 recurring per annum and Rs. 21,000 non-recurring) from the Consolidated Fund of Himachal Pradesh. (Voted).

Clause 8 provides for the grant of repayable loan for the purchase of motor car, to the Deputy Ministers. Clause 5 provides for the free furnished house at State expense of the Government expense for each Deputy Minister. The limits of such expenditure is to be fixed by the Government. As to how much expenditure is likely to be incurred on this account cannot be exactly anticipated.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 8 of the Bill empowers the Government to make rules with regard to the payment of repayable advance for the purchase of motor car and the conditions to be prescribed therefor. Clause 12 of the Bill empowers the State Government to make rules with regard to the extent and the manner of payment of travelling and daily allowance. The proposed delegation is normal in character.

RECOMMENDATIONS OF THE GOVERNOR UNDER ARTICLE 207 OF THE CONSTITUTION

[General Administration (C) Department file No. 2-6/71-GA-C]

The Governor having been informed of the subject matter of the Salaries and Allowances of Deputy Ministers (Himachal Pradesh) Bill, 1971, recommends under Article 207 of the Constitution, the introduction of the Bill in the Legislative Assembly.

Bill No. 6 of 1971

**THE HIMACHAL PRADESH LEGISLATIVE ASSEMBLY
(ALLOWANCES OF MEMBERS) BILL, 1971**

(AS INTRODUCED IN THE LEGISLATIVE ASSEMBLY)

BILL

to provide for allowances of the Members of the Legislative Assembly of Himachal Pradesh.

BE it enacted by the Legislative Assembly of the Himachal Pradesh in the Twenty-second Year of the Republic of India as follows:—

1. (1) This Act may be called the Himachal Pradesh Legislative Assembly (Allowances of Members) Act, 1971.

(2) It shall be deemed to have come into force with effect from the 25th January, 1971.

2. In this Act, unless there is anything repugnant in the subject or context,—

(a) "Assembly" means the Legislative Assembly of Himachal Pradesh;

(b) "Committee" means a Select Committee or Committee of the Assembly and includes any Committee appointed by the State Government for a purpose connected with the business of the Government;

(c) "Member" means a member of the Assembly, other than a Minister, Deputy Minister, Speaker or Deputy Speaker;

(d) "Meeting" means a meeting of the Assembly or of a Committee thereof;

(e) "Prescribed" means prescribed by rules made under this Act; and

(f) "Speaker" means the Speaker of the Assembly.

3. (1) Subject to the conditions herein contained, there shall be paid to each member a compensatory allowance at the rate of five hundred rupees per mensem with effect from the commencement of this Act or from the date on which he takes his oath, whichever is later.

(2) If a member—

(a) fails to attend at least ninety per centum of the total number of meetings held in any month; or

(b) elected during the course of a month fails to attend at least ninety per centum of the total number of meetings held in that month subsequent to the date on which he takes his oath;

he shall not for that month be paid any compensatory allowance other than an allowance at the rate of twenty rupees for every meeting actually attended by him as such member unless he satisfies the Secretary of the Assembly that he was prevented by reason of ill-health or any other sufficient cause from attending the required number of meetings;

Provided that no member who draws the compensatory allowance prescribed in this sub-section shall receive a sum greater than ninety per centum of the amount that would be due to him in any one month under sub-section (1) had he attended the requisite number of meetings.

(3) Where, in any month, there have been no meetings, the member shall be paid the full compensatory allowance for such month.

(4) Notwithstanding anything hereinbefore contained no compensatory allowance shall be paid to any member in respect of any period during which he was under legal detention under any law for the time being in force.

Other Allowances

4. Subject to such conditions and limitations as may be imposed by rules made under this Act, there shall be paid to each member:—

- (i) such travelling allowance as may be prescribed;
- (ii) a halting allowance at the rate of thirty-five rupees per day for each day of attendance at a meeting of the Assembly or Committee or in respect of journeys undertaken under the orders of the Speaker for any other business anywhere connected with his duties as a member;

Provided that if a member has been ordered to absent himself from a meeting or meetings of the Assembly under the Rules of Procedure and Conduct of Business in the Himachal Pradesh Legislative Assembly for the time being in force, he shall not be entitled to get allowance for such period of absence;

- (iii) an incidental allowance at the rate of five rupees for the day of departure from and incidental allowance at the rate of five rupees for the day of arrival at the usual place of residence of the member when he leaves his usual place of residence to attend a meeting and returns thereto after the meeting.

Explanation.—A break of less than four days between two successive meetings of the Assembly or Committee shall be deemed to be a day or days of attendance for a member who does not leave the place of the meeting during such break:

Provided that nothing in this section shall entitle any member to travelling or halting allowance if such person ordinarily resides or carries on business at any place within five miles of the place at which his attendance is required in connection with his duties as member.

Amenities.

5. (1) A member shall be entitled to such residential accommodation on concessional rates at the place of sitting of the Assembly as may be prescribed by rules under section 7.

(2) Every member shall be entitled to have a telephone installed at any place within his constituency or at his permanent place of residence, if such facility is available at such place at normal rates and without incurring any additional cost, or at Simla as may be specified by him, and after the place of installation is so specified, the charges for first installation of, and security deposit and annual rent for, such telephone shall be borne by the State Government and all other expenses, such as those relating to local and outside calls shall be paid by the member.

Provided that the expenditure on local and outside calls incurred by a member in any month shall be reimbursed by the Government subject to a maximum of fifty rupees.

Free transit by railway or State Transport Undertaking

6. (1) Every member shall be provided with—

- (a) two free non-transferable first class passes, one for himself and the other for his spouse, if any, which shall entitle him as well as his spouse, if any, to travel at any time by any railway in India provided the aggregate distance so travelled on each pass in any financial year does not exceed eight thousand kilometres; and
- (b) one free non-transferable pass, which shall entitle him to travel without payment of fare and passenger tax thereon by any public

service vehicle of the Himachal Pradesh Government Transport or the Mandi-Kulu Road Transport Corporation.

(2) The free passes issued to a member under sub-section (1) shall be valid for the term of his office and on the expiration of such term these shall be surrendered by him to the Secretary of the Himachal Pradesh Legislative Assembly.

(3) Nothing in this section shall be construed as entitling a member to any travelling allowance to which he is otherwise entitled under the provisions of this Act or rules made thereunder.

7. (1) The Speaker may make rules for carrying out the purpose of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, the Speaker may make rules in respect of the following matters, namely:—

- (a) any matter which is required by this Act to be prescribed;
- (b) the rates on and circumstances under which travelling and halting allowances may be drawn and the circumstances under which such allowances may be withheld;
- (c) the manner in which distances between any two places should be calculated for the purposes of travelling allowance;
- (d) the shortest available route by which a journey can be performed;
- (e) the form in which claims may be presented, the method of scrutiny of claims and the authorities by and the manner in which such claims may be certified and paid;
- (f) provision for residential accommodation of members mentioned in section 5; and
- (g) any other matter connected with or incidental to the matters aforesaid.

(3) Until such rules come into force, all matters of detail not covered by this Act, shall be governed by the rules then in force for the payment of allowances to members, so far as they are applicable and contained in the Salaries and Allowances of Members of the Legislative Assembly (Himachal Pradesh) Act, 1963 so far as these are consistent with the provisions of this Act.

8. If any question arises as to the interpretation of this Act or of the rules made thereunder, the matter shall be referred to the Speaker whose decision shall be final.

9. (1) The Salaries and Allowances of the Members of the Legislative Assembly (Himachal Pradesh) Act, 1963 and the Salaries and Allowances of the Members of the Legislative Assembly (Himachal Pradesh) Ordinance, 1971 are hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken or purporting to have been done or taken (including any rules, notifications, or orders made or issued) in exercise of any power conferred by or under the said Act and Ordinance shall be deemed to have been done or taken under this Act.

STATEMENT OF OBJECTS AND REASONS

The Salaries and Allowances of Members of the Legislative Assembly (Himachal Pradesh) Act, 1963, provided for the salaries and allowances of Members of the Legislative Assembly of Himachal Pradesh. This enactment became infructuous on the attainment of Statehood on 25th January, 1971. The incumbents to whom this Act related lost their status and by virtue of section 10 of the State of Himachal Pradesh Act, 1970, they are deemed to have been elected under Article 170 of the Constitution to the Legislative Assembly of the State of Himachal Pradesh. Therefore in order to entitle them to receive salaries etc., it was necessary to enact a new law on the subject. The Legislative Assembly was not in session and circumstances existed which rendered it necessary for the Governor to take immediate action by promulgating an Ordinance under Article 213 of the Constitution. Accordingly, the Salaries and Allowances of Members of the Legislative Assembly (Himachal Pradesh) Ordinance, 1971 (Himachal Pradesh Ordinance No. 3 of 1971) was promulgated on 25th January, 1971.

Keeping in view the tremendous rise in the cost of living and the multifarious duties which a member has to perform towards the public, it has been decided to increase the allowances of a Member and to bring these at par with those of the neighbouring States. This Bill seeks to replace the said Ordinance and to achieve the aforementioned object.

SIMLA:
The 12th April, 1971

Y. S. PARMAR,
Chief Minister

FINANCIAL MEMORANDUM

Clause 1 of the Bill provides for the payment of the compensatory allowance of Rs. 500 p.m. to each member instead of Rs. 250 p.m. as salary. Clause 4 provides for an increase in the hauling allowance from Rs. 25 to Rs. 35. Clause 5 (2) provides telephone facilities within the constituency or at permanent place of residence of the member. These charges may involve an extra expenditure approximately to the tune of Rs. 2,72,400 per annum (Rs. 2,45,400 recurring & Rs. 27,000 non-recurring) from the Consolidated Fund of Himachal Pradesh.

Clause 6 provides for the facility for granting one free non-transferable pass for travelling by the buses belonging to the Himachal Pradesh Government Transport and the Mandi Kulu Road Transport Corporation and two free non-transferable first class railway passes one for himself and one for his spouse. As to how much expenditure is likely to be incurred on this account cannot be exactly anticipated.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 7 of the Bill empowers the Speaker to make rules in respect of the matters enumerated therein. The proposed delegation is normal in character.

RECOMMENDATIONS OF THE GOVERNOR UNDER ARTICLE 207 OF THE CONSTITUTION

[General Administration (C) Department File No. 3-7,71-GA-(C)]

The Governor having been informed of the subject matter of the Himachal Pradesh Legislative Assembly (Allowances of Members) Bill, 1971, recommends under Article 207 of the Constitution, the introduction of the Bill in the Legislative Assembly.

**THE HIMACHAL PRADESH STATE LEGISLATURE OFFICERS,
MINISTERS AND MEMBERS (MEDICAL FACILITIES) BILL, 1971**

(AS INTRODUCED IN THE LEGISLATIVE ASSEMBLY)

**A
BILL**

to extend medical facilities to persons holding certain offices in the State of Himachal Pradesh.

Be it enacted by the Legislative Assembly of Himachal Pradesh in the Twenty-second Year of the Republic of India as follows:—

Short title
and com-
mencement.

1. (1) This Act may be called the Himachal Pradesh State Legislature Officers, Ministers and Members (Medical Facilities) Act, 1971.

(2) It shall be deemed to have come into force with effect from the 25th January, 1971.

Medical
facilities.

2. (1) Notwithstanding anything contained in any other law for the time being in force, every person holding, for the time being, any of the following offices shall be entitled to such medical facilities for himself and for members of his family as may be prescribed by rules made by the State Government in this behalf, namely:—

(i) the Speaker or the Deputy Speaker of the Himachal Pradesh Legislative Assembly;

(ii) a Minister or a Deputy Minister of the State of Himachal Pradesh,
or

(iii) a Member of the Himachal Pradesh Legislative Assembly.

(2) All rules with regard to accommodation in hospitals and medical treatment applicable to officers mentioned in sub-section (1), immediately before the commencement of this Act, shall continue in force till the rules under this Act are made.

(3) Every rule made under sub-section (1) shall be laid, as soon as may be after it is made, before the Legislative Assembly while it is in session for a total period of not less than fourteen days which may be comprised in one session or in two or more successive sessions, and if before the expiry of the session in which it is so laid or the sessions aforesaid, the Assembly makes any modification in the rule or decides that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be, so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

The provisions with regard to accommodation in hospitals and medical treatment, were contained in the Salaries and Allowances of Ministers (Himachal Pradesh) Act, 1963, the Salaries and Allowances of the Speaker and the Deputy Speaker of the Legislative Assembly (Himachal Pradesh) Act, 1963 and the Salaries and Allowances of Members of the Legislative Assembly (Himachal Pradesh) Act, 1963. These provisions became infructuous on the 25th January, 1971 when the Himachal Pradesh attained Statehood. In order to enable the officers as specified in clause 2 of the Bill to avail of these facilities three Ordinances were promulgated by the Governor of Himachal Pradesh on the 25th January, 1971. This Bill seeks to replace the relevant provisions of these Ordinances and to make provisions for the medical facilities for the officers as given in clause 2 of the Bill.

SIMLA:
The 12th April, 1971.

Y. S. PARMAR,
Chief Minister

FINANCIAL MEMORANDUM

Clause 2 of the Bill provides such medical facilities to the Speaker, the Deputy Speaker, the Ministers, the Deputy Ministers and the Members of the Legislative Assembly, Himachal Pradesh as may be provided under the rules. These officers are already availing themselves of this facility to the extent, it is applicable to Class I Officers. Much extra expenditure, if any, is not likely to be incurred.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 2 of the Bill empowers the State Government to make rules to provide medical facilities to the persons holding offices mentioned therein. The proposed delegation is normal in character.

RECOMMENDATIONS OF THE GOVERNOR UNDER ARTICLE 207 OF THE CONSTITUTION

[General Administration (C) Department file No. 2-10/71-GA (C)]

The Governor having been informed of the subject matter of the Himachal Pradesh State Legislature Officers, Ministers and Member (Medical Facilities) Bill, 1971, recommends, under Article 207 of the Constitution, the introduction of the Bill in the Legislative Assembly.

Bill No. 8 of 1971

THE HIMACHAL PRADESH LEGISLATIVE ASSEMBLY
MEMBERS (REMOVAL OF DISQUALIFICATIONS) BILL, 1971

(AS INTRODUCED IN THE LEGISLATIVE ASSEMBLY)

BILL

to declare certain offices of profit under the Government of India, or the Government of any State specified in the First Schedule to the Constitution not to disqualify their holders for being chosen as, or for being, members of the Himachal Pradesh Legislative Assembly.

Be it enacted by the Legislative Assembly of Himachal Pradesh in the Twenty-second Year of the Republic of India as follows:—

1. (1) This Act may be called the Himachal Pradesh Legislative Assembly Members (Removal of Disqualifications) Act, 1971.

(2) It shall come into force at once.

2. In this Act, unless the context otherwise requires:—

(a) "compensatory allowance" means such sum of money as the Government may determine as being payable to the holder of an office by way of travelling allowance, daily allowance, sitting allowance, conveyance allowance or house rent allowance for the purpose of enabling him to recoup any expenditure incurred by him in performing the functions of that office;

(b) "statutory body" means any corporation, committee, commission, council, board or other body of persons, whether incorporated or not, established by or under any law for the time being in force;

(c) "non-statutory body" means any body of persons other than a statutory body.

3. A person shall not be disqualified for being chosen as, and for being, a member of the Himachal Pradesh Legislative Assembly by reason only of the fact that he holds any of the following offices of profit under the Government of India or the Government of any State:—

(a) the office of a Deputy Minister or Minister of State;

(b) any office held by a Minister, Minister of State, or Deputy Minister whether *ex-officio* or by name;

(c) the office of the Speaker or the Deputy Speaker of the Himachal Pradesh Legislative Assembly or of Parliament or of the Legislative Assembly of any other State;

(d) the office of the Chief Parliamentary Secretary or Parliamentary Secretary;

(e) the office of the Chief Whip, Deputy Chief Whip or Whip in any Legislative Assembly or in Parliament;

(f) the office of village revenue officer whether called a *lambardar*, *malguzar*, *patel*, *deshmukh* or by any other name, whose duty is to collect land revenue and who is remunerated by a share of or commission on, the amount of land revenue collected by him, but who does not discharge any police functions;

(g) any office in the National Cadet Corps, the Territorial Army, the Air Defence Reserve and the Auxiliary Air Force under any law for the time being in force;

(h) the office of a member of a Home Guard constituted under any law for the time being in force in any State;

Short title
and commencement.

Definitions

Prevention
of disquali-
fications for
membership
of the
Legislative
Assembly
of Himachal
Pradesh

- (j) the office of chairman or member of the Syndicate, Senate, Executive Committee, Council or Court of a University or any other body connected with a University;
- (j) the office of the Vice-Chancellor of any University;
- (k) the office of a member of any delegation or mission sent outside India by the Government of India or the Government of any State or sent outside the State of Himachal Pradesh by the Government of the said State for any special purpose;
- (l) the office of chairman or member of a committee (whether consisting of one or more members) set up temporarily for the purpose of advising the Government or any other authority in respect of any matter of public importance or for the purpose of making an inquiry into, or collecting statistics in respect of, any such matter, if the holder of such office is not entitled to any remuneration other than compensatory allowance;
- (m) the office of chairman or vice-chairman, director or member of any statutory or non-statutory body other than any such body as is referred to in clause (l) if the holder of such office is not entitled to any remuneration other than compensatory allowance;
- (n) the office of any honorary medical officer or honorary assistant medical officer in a hospital under Government management;
- (o) a person drawing his service pension, political pension or grant, mansab, charitable grant or commutation sum of compensation in respect of a jagir, inam or other grant;
- (p) the office of an agent or other like office for the purpose of effecting sales of or collecting subscriptions towards, National Plan Certificates or any other savings certificates or Government securities notified as such by the Central Government for such commission as the Central Government may have fixed in that behalf or without such commission;
- (q) the office of an examiner for any examination held by the Central or State Government or by the Union Public Service Commission or any State Public Service Commission;
- (r) the office of Sarpanch or member of a Panchayat under any law for the time being in force.

4. Any question arising after the commencement of this Act as to any office being an office of profit under the Government of India or the Government of any State shall be determined as if the provisions of this Act had been in force at all material dates.

5. The Himachal Pradesh Legislative Assembly Members (Removal of Disqualifications) Ordinance, 1971 is hereby repealed.

Notwithstanding such repeal, anything done or any action taken under the aforesaid Ordinance, shall be deemed to have been done or taken under this Act as if this Act had commenced on the 25th January, 1971.

STATEMENT OF OBJECTS AND REASONS

Till 24th January, 1971, when Himachal Pradesh attained Statehood, the members of the Legislative Assembly got the protection from the provisions of the Parliament (Prevention of Disqualifications) Act, 1959, as provided in section 14 of the Government of Union Territories Act, 1961. Since the said section 14 ceased to be applicable to the members of the Legislative Assembly from 25-1-1971, they lost their protection under the ~~foregoing~~ ~~Parliament~~ Act of 1959. Several members of the Assembly were holding offices of profit and unless they had been protected and these offices were held not to disqualify them from being members of the Assembly, they would have incurred disqualification. The Legislative Assembly was not in session and circumstances existed which rendered it necessary for the Governor to take immediate action by promulgating an Ordinance under Article 213 of the Constitution. Accordingly the Himachal Pradesh Legislative Assembly Members (Removal of Disqualifications) Ordinance, 1971, was promulgated on the 25th January, 1971. This Bill seeks to replace the said Ordinance.

SIMLA:
The 12th April, 1971

Y. S. PARMAR,
Chief Minister.

FINANCIAL MEMORANDUM Nil

MEMORANDUM REGARDING DELEGATED LEGISLATION Nil